

RESPONSE AND REMARKS

Applicant thanks the Examiner for the care and time taken in considering the above-referenced patent application and claims and specifically extends his gratitude in allowing Applicant time to discuss the merits of the present invention in a recent telephone interview held on February 17, 2005. Independent claim 1 and dependent claims 8-11 have been amended to more accurately reflect a preferred embodiment of the present invention and emphasize those features of Applicant's invention which are believed to be novel over the cited art of record. No new matter is added by the claim amendments since the present invention cooperating with material stock is described in detail throughout the specification, in addition to appearing elsewhere in the claims as originally filed.

The Examiner has rejected claims 1-4 and 6 under 35 U.S.C. § 102(b) as being anticipated by Lasi *et al.* (U.S. Pat. No. 6,095,022). Applicant respectfully traverses this rejection.

In response, Applicant has amended independent claim 1 whereupon claims 2-4 and 6 depend to better define the preferred embodiment of the present invention over the cited art of record. Specifically, Applicant amended claim 1 to include all the limitations of claim 8 where it provides for further description of the plunger assembly structure. This amendment was made in accord with the Examiner's remark in the Office Action which provides allowance of claim 8 if re-written in form to include the limitations of the base claim.

As noted during the Examiner's interview, as well as described in the Office Action, Lasi describes therein, specifically in FIGS. 1 and 2, a self-dampening bar pusher rod for bar feeders in automatic lathes comprising a cylindrical tube (2) having an end fitted with a plug (3) and an opposite end fitted with a collet arrangement (14). Housed within the cylindrical tube is a dampening element or decelerator (24) comprising a cylindrical casing (25) fitted with a closure plug (26) at one end and a bushing (27) at a second end thereof substantially serving as a guide for a stem (36). The decelerator is

generally described in Lasi as consisting of a piston (35) keyed to a portion of the stem at one end and another end acting laterally against a spring (38) for slidably moving the collective arrangement in a chamber (30) inherently made part of the decelerator.

Comparatively, Applicant's invention comprises an elongate body having first and second ends and an interior chamber for housing therein a plunger assembly which is suitably held in an axial position by an end plug fixedly attached to the first end. The second end of the elongate body selectively serves as means for attaching the present invention to an external holding device made part of a headstock spindle assembly, particularly of the type used in a computer numeric controlled (CNC) machine, for example. The plunger assembly is further described to comprise a ram operably acting longitudinally within the interior chamber, wherein the ram includes a cylindrical stop situated in between a spring retainer and a shaft having an end with a conical depression to engage an end portion of material stock for secure fitment thereat. Lasi is further distinguished from the present invention in that it fails to teach or disclose means for attaching the device to an external holding device of a headstock spindle assembly.

Since Lasi fails to disclose or teach each and all elements of the present invention as now claimed and as arranged, Applicant believes that Lasi no longer anticipates the present invention as it relates to the subject matter of claim 1 as amended and claims depending therefrom (i.e., claims 2-4 and 6). See *W. L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Accordingly, reconsideration of claims 1-4 and 6 is respectfully requested, specifically in light of claim 1 as amended.

The Examiner has rejected claims 5 and 13 under 35 U.S.C. § 103(a) as being obvious in light of Lasi *et al.* (U.S. Pat. No. 6,095,022) and accepted understandings and knowledge in the art. Applicant respectfully traverses this rejection.

In response, Applicant has amended claim 1 whereupon claims 5 and 13 depend to better define the preferred embodiment of the present invention over the cited art reference (see above arguments and amendments in light of Lasi). In regard to claim 5, Applicant notes in particular that Lasi directs its teachings to internal passageways identified therein as holes (32) to hydraulically connect outer and inner chambers (30, 31)

and a duct (33) integrally made part of a plug (26) to hydraulically connect the inner chamber and a volumetric compensation chamber (31a) [refer to col. 2, lines 40-46]. This arrangement of passageways serves in the limited capacity of permitting the flow of oil contained within the decelerator to produce a slow retraction of the stem into a casing (25). [refer to col. 2, lines 53-56]. Comparatively, the venting bore in the present invention is structurally suited and limited in equalizing increased pressure in the interior chamber as the plunger assembly moves longitudinally within the interior chamber as caused by material stock being advanced inwardly therein. Given the divergent, combined teachings of Lasi and general accepted knowledge in the art, one skilled in the art would lack the requisite motivation to devise the combination as claimed by Applicant, particularly relating to the means for releasing increased pressure in the interior chamber compared to providing passage means for re-circulating oil and the like to control lateral movement of the stem, notably as stated in Lasi.

In regard to claim 13, Applicant again notes amendment of claim 1 to further distinguish Lasi from the present invention, namely by the inclusion of subject matter pertaining to the plunger assembly. Consequently, the teachings of Lasi coupled with the understandings and accepted knowledge in the art fail to support a prima facie case for obviousness. See *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Accordingly, reconsideration of claims 5 and 13 is respectfully requested, specifically in light of independent claim 1 as amended from which claims 5 and 13 depend.

The Examiner has objected to claims 8-12, 14, and 23-29 as being dependent on a rejected base claim. Examiner further noted allowance of these claims if re-written in form to include the limitations of the base claim.

In response, Applicant, as noted hereinbefore, has amended independent claim 1 to include the subject matter of dependent claim 8, namely in terms of the descriptive matter pertaining to the plunger assembly, structure of which further distinguishes Lasi from the present invention as discussed in detail above. Applicant further amended claims 9-11 insofar that each directly depends from claim 1 as amended; Applicant notes cancellation

of claim 8 while claims 12 and 14 remain unchanged since each would already depend indirectly or directly from claim 1 as originally filed. Accordingly, reconsideration of claims 9-12 and 14 is respectfully requested, specifically in light of claim 1 as amended from which claims 9-12 and 14 depend.

In regard to claims 23-29, Applicant noted during the recent interview that the base claim, independent claim 22, was allowed in its entirety, as provided in the Office Action, and, as such, claims depending therefrom should be allowed to the same extent. The Examiner noted this discrepancy and agreed to make appropriate correction. Accordingly, reconsideration of claims 23-29 as originally filed is respectfully requested.

In regard to claim 7, Applicant noted during the recent interview that the Office Action does not address the subject matter of claim 7. The Examiner took note of its absence and requested Applicant to address the same in this response. In response, Applicant has amended claim 1 whereupon claim 7 depends to better define the preferred embodiment of the present invention over the cited art reference (see above arguments and amendments in light of Lasi). Given the additional limitations in claim 1 as amended, Applicant believes the subject matter of claim 7 further distinguishes Lasi from the present invention. In most respects, the art fails to teach one skilled in the art the claimed arrangement of the plunger assembly and means for attaching an elongate body to an external holding device as specifically provided for in claim 7. Accordingly, reconsideration of claim 7 is respectfully requested, specifically in light of claim 1 as amended from which claim 7 depends.

CONCLUSION

As previously illustrated and discussed in detail, the cited art reference of record fails to teach or motivate one skilled in the art to arrange a plunger assembly operating longitudinally within an elongate body by biasing means and comprising varied means for attaching the elongate body to a headstock spindle assembly to the collective extent of accepting material stock for product preparation. In any event, Applicant has amended independent claim 1 and dependent claims 9-11 to better define the preferred embodiment of the present invention over the cited art reference of record, particularly in accord with the outcome of the Examiner's interview held on February 17, 2005. Favorable reconsideration of this application, as amended, is respectfully requested.

Applicant makes note and reminds the Examiner that if the foregoing amendment is inadequate in any respect insofar that it fails to place the claims under consideration herein in a condition for allowance, Applicant respectfully requests the Examiner, prior to further consideration of the pending application, to telephone Applicant's attorney of record to allow ample time to make further changes if deemed necessary.

Dated this 18th day of February 2005.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of loops and flourishes, positioned above a horizontal line.

Michael A. Mochinski
USPTO Reg. No. 42,900
3300 Bass Lake Road, Suite 514
Brooklyn Center, Minnesota 55429
Telephone: (763) 585-0283

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